

Aide to Mitchell Opposes Any Curb on Surveillance

By RICHARD HALLORAN
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WASHINGTON, March 9—A senior official of the Justice Department said today that the department "will vigorously oppose any legislation" that would impair the Government's ability to gather information about American citizens.

Assistant Attorney General William H. Rehnquist told a Senate subcommittee that "self-discipline on the part of the executive branch will provide an answer to virtually all of the legitimate complaints against excesses of information gathering."

But Senator Charles McC. Mathias Jr., Republican of Maryland, who also testified, disagreed, saying, "The primary checks against abuse have been bureaucratic self-restraint and the energies of the press. We need far more reliable and consistent controls."

Mr. Rehnquist, who appeared in place of Attorney General John N. Mitchell, argued that "isolated imperfections" should not be permitted "to obscure the fundamental necessity and importance of Federal information gathering, or the generally high level of performance in this area by the organizations involved."

Legislation Is Opposed

He said that the Justice Department "will vigorously oppose any legislation which, whether by opening the door to unnecessary and unmanageable judicial supervision of such activities or otherwise, would effectively impair this extraordinarily important function of the Federal Government."

In contrast, Senator Mathias testified that "it is not only proper but essential for Con-

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gress to enact controls" over criminal data systems maintained by agencies of the Federal Government, operated by state or local agencies but supported by Federal funds, and those connected with Federal systems.

Mr. Rehnquist and Senator Mathias appeared before Senator Sam J. Ervin Jr.'s Subcommittee on Constitutional Rights as it opened a third week of hearings on the collection, storage, and uses, or abuses, of the information about citizens by the Government.

Mr. Rehnquist said "it would be surprising if there were not isolated examples of abuse of this investigative function," given the Government's responsibility for law enforcement.

Transfer of Functions

In earlier testimony, the subcommittee heard former military intelligence agents document, and the Department of Defense largely confirm, evi-

dence of widespread political surveillance operations from mid-1967 to mid-1970.

Mr. Rehnquist said that the function of gathering intelligence relating to civil disturbances, which was the original intention of the Army's domestic intelligence project, had been transferred to the Internal Security Division of the Justice Department.

A brief colloquy between Senator Mathias and Senator Roman L. Hruska of Nebraska, the senior Republican member of the subcommittee, illuminated the differences in emphasis on opposite sides of the issue.

Senator Mathias said that Government information gathering was permissible when limited to what was strictly necessary to Government operations and when carefully guarded against abuses.

Senator Hruska contended that the collection of large quantities of information was desirable, especially in connection with law enforcement, and that there were already enough laws on the books to prevent abuses.

In his testimony, Senator Mathias said that an individual should have some assurance that a "youthful indiscretion will not follow him all the days of his life" because of a record kept in an unthinking computer.

Files on 3-year-Olds

He noted that the Bureau of Narcotics and Dangerous Drugs maintained computerized files on more than 64,000 persons, including three boys under 3 years old. "Will those three boys be pursued for life," he asked, "by the tragic fact that they were exposed to narcotics almost before they could talk?"

In a supplementary statement to the subcommittee, Mr. Rehnquist denied allegations made last week by Mayor Joseph L. Alioto of San Francisco. Mr. Alioto had said that confidential information from several Government agencies had been furnished to two writers of a Look magazine article critical of him, possibly with the approval of high officials in Washington.

Mr. Rehnquist said that one agent had been in touch with the two authors to confirm information they had, but that "at no time were official files of the F.B.I. furnished to Look." He said that the agent of the Federal Bureau of Investigation had been disciplined and forced to retire.

He noted, however, that a Narcotics Bureau agent might have disclosed information. This possibility is being investigated, he said.